

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED BY *[Signature]* D.C.  
05 SEP -2 PM 4: 21

THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
W.D. OF TENNESSEE

GARY W. CLEMONS, on behalf of himself )  
and all other similarly situated employees of )  
U.S. Concrete, Inc. and Titan Concrete )  
Industries (formerly known as Carrier Excavation )  
& Foundation Company), )

Plaintiffs, )

v. )

TITAN CONCRETE INDUSTRIES )  
(formerly known as CARRIER CONCRETE & )  
FOUNDATION COMPANY, INC.), )

Defendants. )

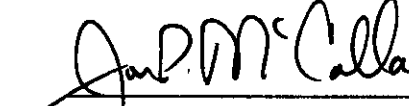
Civil Action  
No. 03-2662 MIV

ORDER OF DISMISSAL

The parties have filed a Joint Motion for entry, pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, of an Order of Dismissal in this collective action under the Fair Labor Standards Act as to all claims in this action. Pursuant to the motion, which incorporates the written settlement agreements between all parties before the Court, Plaintiffs voluntarily dismiss their claims with prejudice, and Defendant shall bear its own costs, as well as all attorney fees and costs of the Plaintiffs to the extent reflected in the settlement agreements between the parties.

Having reviewed the Joint Motion, including the written settlement agreements, the Court hereby orders that this cause is dismissed, with prejudice, with costs to be borne pursuant to the Agreements.

IT IS SO ORDERED, this 2 day of Sept., 2005.

  
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JON PHIPPS McCALLA  
United States District Judge



## Notice of Distribution

This notice confirms a copy of the document docketed as number 39 in case 2:03-CV-02662 was distributed by fax, mail, or direct printing on September 6, 2005 to the parties listed.

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Honorable Jon McCalla  
US DISTRICT COURT